

to Mr. Putnam

From

Richard McMahon

JK 691

142

(From the North American Review, May, 1889.)

---

THE USE AND ABUSE  
OF  
CIVIL SERVICE REFORM.

BY  
RICHARD RANDOLPH McMAHON,  
DEPUTY COMPTROLLER OF THE TREASURY.

3  
3  
3  
3  
3

WASHINGTON, D. C. :  
GIBSON BROS., PRINTERS AND BOOKBINDERS.  
1897.



27-  
1760,  
1772

Gift  
Author  
(Part)  
12 Je '07

27

# USE AND ABUSE OF CIVIL-SERVICE REFORM.

BY RICHARD RANDOLPH M'MAHON, DEPUTY COMPTROLLER OF THE  
TREASURY.

---

“ Let none presume  
To wear an undeserved dignity.  
O, that estates, degrees, and offices  
Were not deriv'd corruptly ! and that clear honor  
Were purchas'd by the merit of the wearer ! ”—*Merchant of Venice*.

WHEN the Act for the promotion of Civil Service was passed, the political spoilsmen felt as if highway robbery had been perpetrated upon them. To conceal the real motives of their hostility to the measure, they attacked its “constitutionality,” as if they cared more for the Constitution than for patronage and plunder. Their new-born zeal for the “welfare” of that sacred instrument was of such sudden growth that it did not fail of being understood. The Pharisee of to-day is no better than the hypocrite of yesterday.

Honest men, bent upon purifying the public offices and liberating them from the slavery of political influences, laid bare the shameful and shameless methods which had governed appointments in every branch of the Government. Facts and figures were mustered. Pledges in party platforms were quoted. But the politicians would not be convinced. It was like witnessing a serio-comedy to see how many of them came up, all at once, like mushrooms, to arrest this “violation of the Constitution,” and defend it from “outrage”—a work for which they were about as well qualified as they were to explore the unsurveyed land in the moon.

Politicians are pompous in their self-importance. The mercury stands high in them. They are like Pau-Puk-Keewis in “Hiawatha”—larger than the other beavers. No wonder, then, they assumed to “defend” the Constitution against Civil-Service Reform, which they are pleased to designate as foreign to the genius of our political institutions, and as conducive to permanent office-holding.

The law is neither unconstitutional nor foreign to the genius of our institutions, nor does it foster permanent office-holding.

Section 2, of Article II of the Constitution, provides that :

“The President . . . shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors . . . and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law ; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.”

Wherein does the Civil-Service Law violate the provisions of this section? It is alleged that it limits the power of appointment vested in the heads of departments, and is, therefore and necessarily, an infringement of their constitutional prerogative. What constitutional prerogative of appointment has a head of department independently of legislation by Congress? By the express terms of the Constitution, Congress is made the depository of the power of appointment to be vested in the heads of departments, *but* “the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone,” or “in the courts of law.” If, therefore, Congress may withhold absolutely the power of appointment granted to the heads of departments and vest it in the President or in the courts of law, may it not limit and qualify such power, or must the grant be absolute, unrestricted, and without qualification? Assuredly not. The Supreme Court of the United States has held that when Congress, by law, vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interests. “The head of a department has no constitutional prerogative of appointment to offices independently of the legislation by Congress, and by such legislation he must be governed, *not only in making appointments, but in all that is identical thereto.*” (U. S. v. Perkins.)

Foreign to the genius of our institutions?

The Supreme Court having affirmed the constitutionality of the law, it would seem a vain and idle office to waste arguments in showing how much less than nothing there is in this charge. Is it “foreign” to the genius of our institutions to open the doors of the peoples’ offices to merit, and worth, and decency, and honor? Is it “foreign” to the genius of our institutions to make straight the road which leads to posts of trust, instead of winding and crooked ways? Foreign, is it, to the genius of our institu-



tions to do away with a nefarious system of office-brokerage, to wrest the places which belong to the people from the clutches of political freebooters, to make men and women independent of "influence" which was calculated to degrade them and debauch the public service?

Unable themselves to make headway against the cause of the people for reform in the public service, the spoilsmen were cunning enough, and, of course, politicians enough, to borrow strength from "our institutions" and conduct their work from on high, as it were, and thus make themselves seen of all men. The fly sat upon the axle-tree of the chariot wheel, and said, "What a dust do I raise!"

The cause of Civil-Service Reform is the cause of Justice. And Justice is an aggressive virtue. Marvel not, therefore, that they who made traffic of public places fought, and struggled, and vilified when the hand of justice smote them and broke their power. In their exaggerated conceit, they had acquired a legal establishment—these monopolists of the offices!

Of all the evils that ever debased or debauched, the worst evil was the "influence" system, by which offices were purchased and held at a sacrifice oftentimes worse than death. It was worse than the four deadly sins which cry to Heaven for vengeance. It made men and women false; it made them hypocrites; it led to untruthfulness, for no one is wholly truthful who is dependent upon others, as no one can act naturally who imitates others. It weakened all sense of honor, for no one can win honor by "influence." "The winning of honor," says Lord Bacon, "is the revealing of merit and virtue without disadvantage."

"My 'influence' put me in office and *he* thinks I should be promoted," was not, and to this day is not, an uncommon expression in the departments. "My influence" was such a just judge of the qualifications of the contingent being in whom he was interested! And with shame be it said that "my influence" was too often successful in forcing the appointing power to advance the unworthy and unsavory in utter disregard of superior claimants with meritorious records, thereby putting dishonor in opposition to and above honor. Thus was the principle of good government corrupted, the law of justice was subverted, the freedom of the appointing power was destroyed, and his functions usurped. This was *not* "foreign" to the genius of our institutions. In truth it was not!

Under such a corrupt system, what should have been a mark of the highest honor was but the brand of the lowest slavery. But the beneficiary of this vile instrumentality, "my influence," became insolent and insubordinate, heedless of obligations, reckless of rules, and defiant of superior authority. And why not, since "my influence" had vouchsafed tranquillity? No wonder it was regarded as worthy of adoration and incense, and the sacrifice of a tender lambkin.

" O, Melibœe, Deus nobis hæc otia fecit ;  
 Namque erit mihi semper Deus ; illius aram  
 Sæpe tener nostris ab ovilibus imbuet agnus."

Nor does the law foster a permanent class of office-holders.

In 1869, during a visit, never to be forgotten, paid to Charles Dickens at Gad's Hill Place, the myriad-minded novelist, referring, among other things, to office-holding and office-seeking in this country, said: "On the occasion of my visits to America, my first visit especially, I saw, when at Washington, that the members of both Houses of Congress regarded the offices of the Government as their special and individual property. Men crawled over each other like ants, buffeting one another, fighting, wrangling, scrambling for place—all engaged in a common assault upon those whom they were seeking to dislodge and dispossess, all the time cringing and truckling to the politicians who seemed, by undisputed right, to take control of the public places and dispense the Government's substance. The brutality and selfishness which marked the rule of the office-mongers was more disgusting and offensive to decent men than the sway of any bloated aristocracy that ever cursed a nation. It was calculated to contaminate, pervert, destroy sensitive and delicate-minded persons ; it was wholly vicious."

And then, laying his hand upon the unfinished chapters of "The Mystery of Edwin Drood," the great novelist, replying to my question, said: "It is not the barnacle system or the methods of circumlocution that the people of America want ; not the systems which try the patience of the people on this side of the water and call for a lash of scorpions ; but a system that will take places from the grasp of tricksters and put them within the reach of all decent men who need not surrender their manhood to gain public employment."

It is now nearly twenty years since these words were spoken, and the recollection of them renews the memories of the gifted

author whose golden pen contributed so much to enrich the world's store of fancy, whose words brought laughter and tears to so many eyes, gladness to so many hearts, and happiness to so many homes. Dickens, with his omniscient eye, saw the result of the methods which were common in 1842, and as well during his second visit in 1868.

The Civil-Service Law has taken subordinate places out of the grasp of tricksters and placed them within the reach of all who wish to compete, and without the surrender of manhood. So long as the power of removal remains in its plenitude in the heads of departments, no subordinate is likely to become "an aristocratic office-holder." Not a bit of it.

No person receives a permanent appointment under the law. After serving a probation of six months, the head of the department is at liberty to make a permanent appointment or dismiss outright, if the probationer has not come up to the standard. There was no probation under the spoils system—no test, no trial. Appointments were made like deeds in fee simple.

Here and there is found a loose-tongued and brittle-brained intellect clutching at the law in wildest desperation as "a bloated and aristocratic thing," because it keeps out "the boys in the trenches." Well, suppose it does keep out the boys in the ditches, and trenches, and gutters, and sewers? It is all the more commendable on that account. The work of the people of the United States is not likely to be well done, or done at all, by "the boys in the trenches." If a banking-house or business establishment wants work, it will not turn to "the boys in the trenches."

Who is it that fumes and rails against the law? Not the President; not the heads of departments; not they who are charged with the responsibility of the Government's affairs. Far from it. The clamorings and vaporings come from those who cannot longer use the offices as goods and chattels to pay old debts and incur new obligations.

The law was not in vain. It was a necessity. It came none too soon. Better would it have been, however, had it reached and tested those who were already in the service; for reform, if it means anything, means the righting of existing wrongs. Then would it have reached many a wrong and uncovered many a wrong-doer—authors of campaign poetry and prose, jibers and jesters of Presidential contests, the accessories who swelled the voice of scandal, persecutors and prosecutors of their fellow-clerks,



whose unobtrusiveness and quiet fidelity to duty made them "suspects," "doubtful as to politics," and therefore legitimate victims of partisan abuse. Having no deserts of their own, they hoped to perpetuate the spoils system, which was to them a necessity. Their very worthlessness was their claim to patronage. They opposed all civil-service reform, fearing that the law might overreach them, and sought to indemnify themselves by questioning the "propriety" of such a thing!

With such as these, public place had ceased to be the post of honor; they shirked duty, neglected trusts, outraged justice, cheated the Government, plundered the people's Treasury. When the law passed, they paid homage to the principles of reform by outwardly professing sympathy with them, hoping that pretences and professions for the future would make up for the derelictions of the past, crying out for civil service to shield them, as the mountains are expected by the wicked to cover them on the day of judgment.

This is the class which should not have failed of being justly dealt with, any more than virtue should fail of its reward. The law should have done away with all mischief and sottishness, and recognized the distinctions of moral good and evil. It is not, however, through any saving clause in the law that such individuals are perpetuated; they are retained mainly by the intercession and influence of those who denounce civil service as a "copy of the system which fosters an aristocracy of office-holders," and too often by their superiors, who are unwilling to join issue with the "backers" of their subordinates even in so good a cause as the welfare of the Government, preferring to charge the law with that with which they themselves are chargeable, and for which they alone are responsible.

If the law had been framed to reach backward as well as forward, no violence would have been done; but even-handed justice, rather, would have been meted out to all, the just and the unjust alike; and, under the test of an honest and impartial scrutiny, true merit and worth would have been established, and the unworthy would have been unveiled.

"How many then should cover that stand bare!  
How many be commanded that command!  
How much low peasantry would then be glean'd  
From the true seed of honor! and how much honor  
Pick'd from the chaff and ruin of the times  
To be new varnish'd!"

RICH'D. RANDOLPH McMAHON.



## APPENDIX.

---

As the result of close observation from within and without the public service, I am convinced of the truth of what I said in the preceding article—that the cause of Civil Service Reform is the cause of right and of justice. It is true, as the great editor of *The New York Sun* said, that “if the public offices are crowded with idle loafers, a scholastic examination is not necessary to discover their worthlessness,” but it is equally true that with proper safeguards and under the test of a proper and impartial examination, such characters never would have come into the service. I know full well that some of the very best public servants who are to-day in the classified service did not enter by the way of the Civil Service Commission. But that is no argument against the Commission. As well might it be said that because self-educated men attain eminence and distinction a college course is unnecessary.

From the great number of letters which I have received from distinguished men who read the foregoing article, I have selected a few, and now publish them for the first time.

The learned president of Washington and Lee University, speaking of those who are to-day plotting the degradation of our Civil Service, well says :

“If they are now vexed by the numbers and clamors of those who demand offices and ‘jobs’ at their hands, what will be their fate, if, by their own act, they increase those numbers and madden those clamors twenty-fold?”

More than twelve years ago, while a Representative in Congress from this district, which he ever honored by his genius, his talents, his character, and his spotless life, he wrote to me :

“I have supposed myself a fairly sincere advocate of Civil Service Reform from my earliest discussion of current politics, but the brave and unflinching application of its principles which the President is constantly making gives me ever increasing appreciation of the need of this reform, and of the great and beneficent results it will accomplish. It puts a strain upon the virtue and patriotism of the victorious party to which my historical

reading furnishes no parallel, and I am glad to observe that twenty-four years' banishment from official position has not begotten merely a ravenous hunger for 'spoils,' but has very perceptibly fostered a spirit of independence of official patronage."

The words of the great leader, Mr. Blaine, read in the light of recent events, seem prophetic. "The danger I apprehend," he wrote, "is that zealots may overdo what should be done with the greatest care and caution." This danger, he thought, would result from an inconsiderate extension of the system. Mr. Blaine well knew, and I concede, that a general expansion, covering *all* places, would only invite hostility and attack. There are certain positions, especially those whereof the incumbents are appointed by and responsible to their immediate superiors for the performance of duty and the custody of money, which should, in my judgment, be exempted.

R. R. McMAHON.

JEFFERSON PLACE,

HARPER'S FERRY, W. VA., *Dec. 31, 1897.*

---

PRESIDENT'S OFFICE,

WASHINGTON AND LEE UNIVERSITY,

LEXINGTON, VA., *Dec. 20, 1897.*

DEAR MR. McMAHON: I have read, after the lapse of years, once again your paper on The Use and Abuse of Civil Service Reform, first printed in the May, 1889, number of the North American Review. The apt and blistering words in which you describe the working of the Spoils system deserve to be reprinted and reread to-day, when an organized effort is being made to do away with the Reform, or to limit and virtually nullify its extent and efficacy. Those who are plotting this degradation of our Civil Service little comprehend the plagues they are inviting upon themselves. If they are now vexed by the numbers and clamors of those who demand offices and "jobs" at their hands, what will be their fate if by their own act they increase those numbers and madden those clamors twenty-fold, and at the same time pull down the barriers that give a sufficient and honorable defence against them?

Fortunately, we have confidence that the President will stand fast, not only to his strong professions, but to his honest convictions in this struggle, and, when the present assault is repulsed, that he will go further, and compel a decent respect for the spirit as well as the letter of the law and the regulations made under it in all branches of the public service.

The Spoils system, though driven from the approaches to the Civil Service, may yet rule rampant within that service, by controlling promotions and degradations and even removals.

Your paper must strengthen the hands of those who stand for saving the hard-won fruits of past victories, and for adding other fruits not less substantial to them.

Sincerely yours,

WM. L. WILSON.

Hon. RICHD. RANDOLPH McMAHON.

---

THE WORLD EDITORIAL ROOMS,  
WORLD BUILDING, PARK ROW,  
NEW YORK, *May* 12, 1889.

MY DEAR McMAHON : Your article on the " Use and Abuse of Civil Service Reform " in this month's North American Review is an able document. Like everything you write, it is in faultless English. I am a very busy man, but I took time to read and re-read it. I'm glad that the Government has in its service such an able man and so good a fellow. Send me something from your goose-quill occasionally.

Very sincerely,

JOHN A. COCKERILL.

Hon. RICHD. RANDOLPH McMAHON,  
Comptroller of the Treasury, &c.

---

CHARLESTOWN, JEFF. CO., W. Va., *May* 22, 1889.

DEAR MR. McMAHON,  
Washington, D. C.:

I have read with great interest and profit your admirable article to the North American Review for May on the " Use and Abuse of Civil Service Reform."

I am sure great regret must be felt by all whose attention has been called to this article that the author of it has not been placed in a position in which the views so forcibly presented would have had the sanction of official authority.

I would have said thus much to you earlier but have been absent for several weeks from home.

Very sincerely yours,

WM. H. TRAVERS.

Hon. RICHARD RANDOLPH McMAHON,  
Washington, D. C.

---

DEPARTMENT OF STATE, *May* 29, 1889.

DEAR MR. McMAHON : Before you were kind enough to send me your admirable acticle, I had read it in the North American Review. The editor is to be congratulated upon your enlistment in so good a cause as the civil service.

The danger I apprehend is that zealots, who are never practical, may overdo what should be done with the greatest care and caution. They are too eager for a general expansion which would only invite hostility to the



system, and perhaps result in a total collapse. Civil service reform is like a tender plant: its growth cannot be *forced*; it must mature naturally.

Your familiar "hexameters" from Virgil remind me of the time when I was endeavoring to master the task of "scanning."

I am glad that in your office of Comptroller—a post of dignity and responsibility—you have elevated the standard of reform and kept it high. For your kind words, and for the many evidences of your friendship, I can return no adequate thanks.

Very sincerely yours,

JAMES G. BLAINE.

HON. RICHARD RANDOLPH McMAHON,  
Treasury Department, &c.

WALLINGFORD, PA., *July 23, 1889.*

MY DEAR FRIEND: Your letter, so full of sincere words of friendship, received and gave us much gratification. The feelings you express towards me are fully and entirely reciprocated. I am better, but how near ready for hard work a trial alone will develop.

I will not mar this letter by a discussion of the political situation except to say I believe all will come as you and I wish. Your article on civil service is admirably written. McElhone says there is a good deal of pepper in it. True, but it takes more than salt and pepper to purify the public service. You and Judge Maynard are the only men who have shown what real economy and reform mean. If you come this way, advise me, and I will send carriage to the station to meet you.

Is there any way in which I can serve you?

Very truly yours,

SAM J. RANDALL.

R. R. McMAHON, Esq.,  
Deputy Second Comptroller.

THE SUN,  
NEW YORK, *August 5, 1889.*

MY DEAR SIR: I receive your letter just as I am putting on my coat to leave the office. I am not, as you seem to think, "hostile to civil service reform," but I am opposed to the humbug and hypocrisy of cranks, theorists, and self-elected reformers who are themselves the most persistent place hunters. The best way to test a man is to let him prove what is in him. If he is qualified his work will show it.

If the public offices are crowded with idle loafers who are, as you say, "the beneficiaries of the influence system," a scholastic examination is not necessary to discover their worthlessness. If the heads of departments will do their duty and insist upon good service, it ought to be an easy task to tell who are good and who are bad.

Your article is well written. If I can't agree with all you say, it is no argument against it.

Truly yours,

C. A. DANA.

RICHARD R. McMAHON, Esq.

ASHFIELD, MASS., *August 25, 1889.*

MY DEAR SIR : I am very much obliged to you for a copy of your paper on the Use and Abuse of Civil Service Reform, which I have read with great interest and pleasure. It seems to me a most timely and valuable word for the good cause. How very happy is your motto from the Merchant of Venice !

Faithfully yours,

GEORGE WILLIAM CURTIS.

HON. RICHARD RANDOLPH McMAHON,

Deputy Comptroller, &c.

451 MADISON AVENUE,

NEW YORK, 3 *May, 1892.*

DEAR SIR : I have to thank you for your courteous note, the valuable paper on Civil Service, and for the complimentary article you are good enough to enclose. Hoping you may never see cause for a less favorable view, I am,

Very truly yours,

WHITELAW REID.

The Hon. RICHARD R. McMAHON.

COLONEL F. C. AINSWORTH, UNITED STATES ARMY,  
CHIEF RECORD AND PENSION OFFICE, WAR DEPARTMENT.

RECORD AND PENSION OFFICE,  
WAR DEPARTMENT,

WASHINGTON, D. C., *January 10, 1893.*

MY DEAR MR. McMAHON : Allow me to thank you for your kind note of yesterday, enclosing your paper on Civil Service Reform.

I have never seen this paper until now, and am under many obligations to you for sending it to me. It is the best and most forcible presentation of the case of the friends of Civil Service Reform that I have yet seen, and, in addition to that, its style and diction are admirable. You have good reason to be proud of it, and I congratulate you upon having written it.

Again thanking you for your kindly remembrance of me, I am,

Sincerely your friend,

F. C. AINSWORTH,

U. S. A.

HON. RICHARD R. McMAHON.

POCANTICO HILLS,  
WESTCHESTER Co., N. Y., *January 20, 1893.*

MY DEAR SIR : Permit me to express to you my sincere appreciation of your very kind note of the 9th inst., as well as my thanks for the pamphlet you were so good as to send me, and believe me,

Very truly yours,

C. SCHURZ.







LIBRARY OF CONGRESS



0 028 070 929 3